

1 (3) REMARKS

2 In re Action Para. 1

3 No reply required.

4 In re Action Para. 2:

5 No reply required.

6 In re Action Para. 3:

7 See claims submitted herewith.

8 In re Action Para. 4 and 5:

9 Paragraphs 4 and 5 reject enumerated claims under "Sheridan (EP 0427 507 A2)" and
10 "Sheridon (US 5,389,945)." Both inventor names are "Nicholas K. Sheridan/Sheridon";
11 both cases are assigned to Xerox. Applicant is informed and believes the EP case
12 merely has a typographical error in the name. Both describe the same conventional
13 technology which is directly distinguished by applicant Vincent in the Background of the
14 Invention section of the present application. Therefore, these are referred to hereinafter
15 as the "Xerox references."

16 Both Xerox references are for "microsphere" technology. See e.g. Abstract etc. The
17 technology in each of Vincent's independent claims is directed to "molecular" level
18 elements, not microspheres. The differences in means, mechanisms, functions and
19 results between the two types of technology are numerous. For the main part, the
20 equating of "microsphere" technology to "molecular" colorants - - as defined in the
21 present application and particularly described in depth in the Appendix - - is like saying
22 there is no difference between a basketball and an ink-dot on a piece of paper.

1 Sometimes known as "nanotechnology," such single molecule switches of Vincent's
2 invention are many, many orders of magnitude smaller than any microsphere (also
3 referred to in the art as a "microcapsule") that can be fabricated. Moreover, there is not
4 only a vast difference in scale between the two, there is a difference in the operational
5 mechanism employed. For the convenience of the Office, **Exhibit 1**, the last page
6 hereto, provides a comparison of the molecular elements of the present invention to
7 conventional pixel elements such as described in the Xerox references.

8 In summary, each described Xerox microcapsules is hollow spherical shell known in the
9 art as a "gyricon" having black and white hemispheres which have their position affected
10 by an electrical field. This is a type of electrophoretic movement of a fixed colorant
11 toward and away from the viewer. The present invention's molecular colorant has
12 individual molecules that are each a true optical switch wherein each molecular switch is
13 "flipped" by electricity, involving molecular band gap color changes within each
14 molecule.

15 Claims do not have to include "means for" language to be required to be read in view of
16 the specification from which they derive antecedent basis. It is axiomatic that claims are
17 not to be interpreted in a vacuum. Slimfold Mfg. Co. v. Kinkead Indus., 810 F.2d 1113, 1
18 USPQ 2d 1563 (Fed. Cir. 1987); Moleculon Res. Corp. v. CBS, Inc., 793 F.2d 1261, 229
19 USPQ 805 (Fed. Cir. 1986). The claim and specification language must be considered.
20 DMI, Inc. v. Deere & Co., 755 F.2d 1570, 225 USPQ 236 (Fed. Cir. 1985). By ignoring
21 the present application's use of the claims limitations as discussed in the Detailed
22 Description, the argument as set forth in the Action ignores this requirement.
23 Understanding, or Interpreting, a limitation *already in a claim* in light of the Detailed
24 Description is not the same as an impermissible reading of a limitation into a claim.
25 Otherwise, these court decisions are rendered meaningless.

26 Moreover it is noted, with a due respect, that there are many limitations in the claims
27 which the Examiner does not address when making the rejections. That is improper.
28 The official action fails to comply with the rules of practice, particularly 37CFR 1.104 (c)
29 (2).

1 Withdrawal of the rejections is respectfully requested. Full compliance with the rules of
2 practice is also respectfully requested.

3 In re Action Para. 6 and 7:

4 Terminal Disclaimers are filed herewith.

5 In re Action Para. 8:

6 No reply required.

7 Questions or suggestions that will advance the case to allowance may be directed to the
8 undersigned by teleconference at the Examiner's convenience.

9 I hereby certify that this correspondence is
10 being deposited with the United States Post
11 Service with sufficient postage as first class
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14 Alexandria, VA 22313-1450 on

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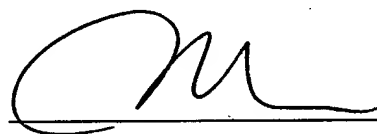
18 (Name of Person Transmitting)

19 (Signature)

20 June 14, 2005

21 (Date)

Respectfully submitted,
Hewlett-Packard (assignee)



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